



Department Source: Community Development - Planning

To: City Council

From: City Manager & Staff

Council Meeting Date: July 20, 2020

Re: Tuscany Estates Zoning Map Amendment (Case #116-2020)

Executive Summary

Approval of this request would rezone 21.18 acres of undeveloped property addressed as 6114 N. Oakland Gravel Road from R-1 (One-family dwelling) to A (Agriculture).

Discussion

Crockett Engineering (agent), on behalf of T-Vine Enterprises Inc. (owners), requests rezoning of approximately 21.18 acres of vacant land from R-1 (One-family Dwelling) district to A (Agriculture) district. The purpose of the request is to facilitate "farmette" style development and allow for the raising and care of livestock (i.e. horses). The proposed A district zoning coupled with approximately 50% of the subject acreage being located within the Bear Creek floodplain limits potential development densities. The subject site is located at 6114 N. Oakland Gravel Road.

The surrounding County R-S zoning and the City's R-1 zoning are comparable with the exception that County zoning allows agriculture uses and the keeping of horses by right. R-1 zoning was assigned to the parcel in 2007 when it was annexed into the City with the intention of developing 50 single-family lots upon the acreage. The approved preliminary plat for the acreage was allowed to expire and the subject acreage was platted into two existing lots in 2020.

The proposed rezoning and size of the lots is typical of "farmettes" and this future use is not atypical of those found within the adjoining County land use pattern. The current R-1 zoning and agricultural use restrictions have presented difficulties in marketing the properties for this purpose. The subject lots meet the UDC's use-specific standards relating agriculture usage. Additionally, if approved and used as intended, Chapter Five of the City's Code of Ordinances (Animals and Fowl) provides additional provisions dealing with the raising and care of livestock to ensure appropriate safe guards are implemented to reduce potential negative impacts on adjoining property.

Facilitating "farmettes" or other agricultural-based development on the lots coincides with the Comprehensive Plan's Environmental Management policy to encourage environmentally friendly developments and preservation of green space. Furthermore, such action would support the Land Use and Growth management policy of providing diverse and attractive housing within the Urban Services Area.

The requested rezoning grants development entitlements that would permit use of the acreage in a manner consistent with their surroundings. Any potential inconsistency would



be appropriately mitigated by the relevant regulations pertaining to the use of one's property for the raising, care, and handling of livestock found with Chapter 5 of the City Code.

The Planning and Zoning Commission considered this request at their June 18, 2020 meeting. Staff made its presentation and there was public input. Two inquiries were made prior to the meeting relating to commercial use of the property and if two home would be built. At the hearing, one neighbor expressed concerns relating to livestock nuisances. Staff referenced the protections found in Chapter Five of the City Code and State Statues. The applicant's representative stated that market conditions would prevent potential nuisances. The Commission following limited discussion, a motion was made to approve the request which received a vote of 6-1 in favor.

The Planning and Zoning Commission staff report, locator maps, and meeting minute excerpts are attached for review.

Fiscal Impact

Short-Term Impact: None anticipated within the next two years. Public infrastructure extension/expansion would be at the cost of the developer.

Long-Term Impact: Limited and may include public infrastructure maintenance for roads and sewers as well as public safety and solid waste service provision. Future impacts may or may not be offset by increased user fees and/or property tax collections.

Strategic & Comprehensive Plan Impact

Strategic Plan Impacts:

Primary Impact: Not Applicable, Secondary Impact: Not Applicable, Tertiary Impact: Not Applicable

Comprehensive Plan Impacts:

Primary Impact: Land Use & Growth Management, Secondary Impact: Environmental Management, Tertiary Impact: Not Applicable

Legislative History

Date	Action
6/3/2020	Approved final plat – Tuscany Estates (Ord. 023887)

Suggested Council Action

Approve the requested rezoning to A (Agriculture) as recommended by the Planning and Zoning Commission.